

REMARKS

This amendment is being filed concurrently with a Request for Continued Examination under 37 C.F.R. § 1.114. The specification has been amended merely to correct the sequence identifiers so that they correspond to those listed in the attached Sequence Listing.

Specifically, the sequence shown for SEQ ID NO: 36 on page 75 of the specification is identical to that of SEQ ID NO: 72 listed in the original Sequence Listing. Thus, the sequence identifier SEQ ID NO: 36 in the specification was amended to SEQ ID NO: 72. Additionally, the sequences identified in the specification as SEQ ID NOs. 36-45 (pages 259-260, 285, 287, 290, and 292-293) were inadvertently omitted from the original Sequence Listing. Those omitted sequences were added as SEQ ID NOs: 81-90 in the substitute Sequence Listing and the sequence identifiers in the specification were amended accordingly.

Also, SEQ ID NOs: 73-78 listed in Table 1 of the specification correspond to the sequences listed as SEQ ID NOs: 74-79 in the original Sequence Listing. The error arose because SEQ ID NO: 73 in the original Sequence Listing was erroneously included even though it is not part of the specification. The inclusion of this SEQ ID NO:73 in the Sequence Listing inadvertently caused SEQ ID NOs: 73-78 listed in Table 1 to be shifted down by one sequence identifier in the Sequence Listing. For example, Therapeutic Protein HLDIU18 is listed in Table 1 on page 32 as SEQ ID NO:73 but its correct sequence corresponds to the sequence listed as SEQ ID NO: 74 in the Sequence Listing. HLDIU18 is now known in the art as bone morphogenetic protein 9

(BMP-9), whose sequence was known prior to the filing date of the instant application. That HLDOU18 and BMP-9 are the same protein is supported by Chen et al., *Nature Biotechnology* 21:294-301 (2003) (enclosed with the concurrently-filed Supplemental IDS), which states that BMP-9 activates the Akt-GSK-3 pathway in L6 cells (see p. 295, second column, last full paragraph). Likewise, the instant specification indicates in Table 1, page 32, that HLDOU18 has a biological activity of activating L6/GSK3 kinase. Thus, the polypeptide listed as SEQ ID NO: 74 in the Sequence Listing of the instant application is BMP-9, which is also HLDOU18. It is also clear that the numbering of the sequence identifiers in the Sequence Listing were shifted downward compared to those in Table 1 of the specification.

This shift in numbering is also seen by the shift in the numbering of Therapeutic Protein HWHGZ51, which is referred to in Table 1, at page 35, as SEQ ID NO: 76, when the correct sequence is represented by SEQ ID NO: 77 in the Sequence Listing. The sequence for HWHGZ51 as represented by SEQ ID NO: 77 in the Sequence Listing was available to the public prior to the filing date of the instant application in WO 01/12775, which was published February 22, 2001 (enclosed with the concurrently-filed Supplemental IDS). WO 01/12775 discloses protein HWHGZ51 on page 89 and its sequence as SEQ ID NO: 44. Therefore, it would be obvious to one skilled in the art that SEQ ID NO:77 listed in the attached Sequence Listing is the correct sequence for Therapeutic Protein HWHGZ51. Furthermore, it would be obvious to one skilled in the art that the inadvertent addition of SEQ ID NO:73 in the Sequence Listing simply shifted the SEQ ID NOs downward by one number compared to those represented in Table 1.

The amendments to the specification are simply correcting that obvious mistake. Thus, no new matter has been added.

The sequence corresponding to Therapeutic Protein HNHFE71 listed as SEQ ID NO: 79 in Table 1, page 36, was also inadvertently omitted from the original Sequence Listing. The sequence for HNHFE71 was disclosed in WO 00/61625 (published Oct. 19, 2000) (enclosed with the concurrently-filed Supplemental IDS) at page 88 and as SEQ ID NO: 101 prior to the filing date of the instant application. The sequence for HNHFE71 has been added in the instant application as SEQ ID NO: 80 in the attached substitute Sequence Listing and the specification has also been amended to recite SEQ ID NO: 80 rather than SEQ ID NO: 79.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 18, 2004

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Attachments: Submission of Substitute Sequence Listing (3 pages); Paper Copy of Substitute Sequence Listing (47 pages); Computer Readable Form of Substitute Sequence Listing (1 disk)